IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2145 OF 1999

Mohamad Saddique Maqbool ....Petitioner

V/s

S.B. Koli & Ors. ....Respondents

Mr. Y.R. Mishra for the Petitioner.

Mr. Nitin Deshpande for Respondent No.1.

Mr. Umanshu Jaju for Respondent Nos. 2 and 3.

Mr. Y.M. Nakhwa, APP for the State.

CORAM: V.M. KANADE, J.
DATE : 21st August, 2007

P.C.:

1. The learned Counsel appearing on behalf of the Petitioner seeks permission to withdraw the Petition on instructions from his client. He submits that the Additional Sessions Court in para 5 of its order has observed as under:-

> "5. The complainant, applicant herein, will be at liberty to approach the Government for sanctioning the prosecution against accused no.3 and the Govt. will obviously consider the primaficie case if found existing in

> the said application for sanctioning the same expeditiously. As a result, the present revision application must fail.....”

He submits that the Petitioner, without prejudice to the grounds raised in this Petition, would like to approach the Government for obtaining sanction to prosecute accused No.3. i.e. Respondent No.1 herein.

2. Hence, the Petition is allowed to be withdrawn. Liberty is granted to the Petitioner to approach the Government for obtaining sanction to prosecute accused No.3 i.e. Respondent No.1 herein. If such an application is made, the Government shall decide the said application on merits and in accordance with law as expeditiously as possible and, in any case, within a period of three months.

(V.M. KANADE, J.)